

MEETING OF
THE DELAWARE AGRICULTURAL LANDS PRESERVATION FOUNDATION

A meeting of the Delaware Agricultural Lands Preservation Foundation was held at the Delaware Department of Agriculture, 2320 S. DuPont Hwy., Dover, Delaware, November 20, 2013, with the following members in attendance:

Robert F. Garey, Chairman
William Vanderwende, Vice Chairman
L. Allen Messick, Jr., Treasurer
William H. "Chip" Narvel, Jr., Secretary
Robert Emerson

Kevin Coyle representing Collin O'Mara, Secretary of DNREC
Ed Kee, Secretary of Agriculture
Lisa Embert representing Chip Flowers, Jr., State Treasurer
Theodore P. Bobola, Jr.
Peter Martin, Forestry Council Chairman

The following staff members were in attendance: Austin Short, Deputy Secretary of Agriculture, and Chief of Planning, Howard Mesick, Kathi Spangler, Milton Melendez, Cathy Mesick, and Scott Blaier.

Others in attendance: F. Michael Parkowski, and Ms. Jill Cravens and Ms. Terri Cooke representing Del DOT.

Chairman Garey opened the meeting at 8:30 a.m.

I. Current Situation Report:

Scott Blaier informed the Board that we have a total of 1,170 farms in preservation districts totaling 163,530 acres, with a total of 754 farms under agricultural easements totaling 110,954 acres at a cost of \$198,780,209. For PDR 18, there are a total of 104 farms, comprising 10,919 acres, with a value of \$55,293,000. For the Forestland Preservation Program there are 37 Forestland Preservation Areas comprising 2,711 acres. For the Forestland Preservation Area Easements, there are a total of 9 properties, comprising 872 acres, with a value of \$1,450,804.

II. Young Farmers Report

Austin Short informed the Board that only two Young Farmer loans have not settled from Round 3, specifically Bonniwell and Webber. Twenty loans have settled since the beginning of the program. The deadline for Round 4 of the Young Farmer Loan applications is November 30, 2013, and we have received two loan applications to date. The Board may wish to consider another Young Farmer Loan application round in the spring. Secretary Kee commented on the ceremony that recognized our Young Farmer Loan program, and mentioned there was a very nice article in *The Delmarva Farmer* concerning our program.

III. Monitoring Report:

Milton Melendez informed the Board that all Federal parcels have been visited, and 464 of the 664 non-Federal parcels have been visited.

At this time the Board was requested by Mr. Austin Short to review the Del DOT request for easement as Mr. Melendez had to leave the meeting soon for a prior engagement. Permission to change the order of the agenda was allowed by the Board.

**IV. Dunning-Conley Expansion ID#K-96-12-054D-2
Del DOT easement request.**

Milton Melendez presented the Del DOT request for a right-of-way easement on the Dunning-Conley Expansion, parcel #3-00-04300-02-3800. The easement would be on 0.0647 acres out of the 70.90 acre parcel. Mr. Melendez informed the Board that the representatives from Del DOT, Ms. Jill Craves and Ms. Terri Cooke, were present and could answer any additional questions. Chairman Garey asked if this parcel was near Hartly. Ms. Cooke informed Mr. Garey that it was indeed near Hartly and explained why the easement was requested. Mr. Michael Parkowski informed the Board that all the legal requirements and documentation have been met. After additional discussion, **William Vanderwende moved to approve the easement request of Del DOT, seconded by Allen Messick, Jr. Motion unanimously approved.**

V. District Eligibility:

1. William H. Webb District, ID#K-13-09-269. After discussion, **Kevin Coyle moved to accept for eligibility the William H. Webb District, seconded by Chip Narvel. Motion unanimously approved.**

VI. Expansion Eligibility & Final Approval:

1. Domino Farm Expansion of the St. Augustine District, ID#N-13-09-220D. After discussion, **Chip Narvel moved to accept for eligibility/final approval the Domino Farm Expansion of the St. Augustine District, seconded by Lisa Embert. Motion unanimously approved.**

VII. Secretary of Agriculture's Veto:

Secretary of Agriculture Ed Kee waived the right of veto for the above District and Expansion.

VIII. Public Comments:

No public comments were received.

IX. Minutes:

Chairman Garey asked if there were any comments or changes to the October 16, 2013 minutes. Hearing no changes, the Chairman asked for a motion to approve the minutes. **Chip Narvel moved to approve the October minutes, seconded by Robert Emerson. Motion unanimously approved.**

X. Financial Highlights:

Howard Mesick presented the Financial Statement for the month of October 31, 2013, informing the Foundation Board that we had, as of October 31, 2013, \$63,405.04 in the Foundation's interest bearing State of Delaware account. Interest income was \$20.79, and license plate monies received in October totaled \$385.00. Expenditures for the month of October totaled \$37,308.47. After discussion, **Kevin Coyle moved to accept the October financial statement as presented, seconded by Robert Emerson. Motion unanimously approved.**

XI. Executive Session:

It was indicated by Austin Short that there was a need for an Executive Session to discuss the Young Farmer Loan program. **William Vanderwende moved to go into Executive Session, seconded by Ed Kee. Motion unanimously approved.** Executive Session started at 8:49 a.m.

The Executive Session ended at 8:55 a.m. **Allen Messick moved to go out of Executive Session, seconded by Ed Kee. Motion unanimously approved.**

XII. Young Farmer Loan Program and PDR 17 and 18:

Austin Short informed the Board that we plan to approve the Round 4 Young Farmers loans in December. The Board agreed to change the date for the December meeting from the 18th to the 19th to accommodate Mr. Parkowski's schedule. Austin Short mentioned that there are still 21 federally-funded properties that have not settled from Round 17 due to several delays with the Federal approval process. Due to this delay in the Round 17 process, we will not approve the Round 18 properties until the January 2014 Foundation meeting. Chairman Garey mentioned that he will see Tom Carper at the upcoming Farm Bureau banquet, and will mention this problem to the Senator. Mike Parkowski mentioned the certification process with NRCS which should help streamline the Federal approval process. Austin Short stated that staff is planning to submit this request to NRCS.

XIII. Other Business:

1. County, Open Space, and Aglands Preservation Cooperative Land Acquisition Initiative.

Secretary Kee reviewed the County, Open Space, and Aglands Preservation Cooperative Land Acquisition Initiative that the Foundation discussed at its October meeting. This initiative would provide a mechanism for Aglands, the Open Space Program, and a County (and perhaps a private organization) to pool funds to purchase conservation easements on high-valued farm properties located in areas with important natural resources. All three organizations would have to agree on a specific area to focus the funds. Currently, New Castle County has expressed an interest in five farms in the Port Penn/One-Thousand Acre Marsh area. Michael Parkowski informed the Board that he has drafted the initiative, which describes the process, and a Memorandum of Agreement (MOA), specific to the Port Penn area; New Castle County is currently reviewing the MOA. Considerable discussion followed. Mr. Bobola asked if Federal funds could be used for these properties, and Mike Parkowski replied that they could because the easement would still contain the same provisions used by the Aglands Preservation Program, (it could contain additional provisions specific to the Open Space Program and the County's requirements). Mr. Emerson wanted to know if this would be a distraction from the traditional Aglands program. Secretary Kee replied that it would impact how the Foundation spends its money; however, it would allow us to acquire easements in areas we could not otherwise afford it. He envisions limiting the annual funding allocated to the Critical Areas Initiative to a certain percentage of the total allocation. Mr. Martin asked how the critical areas would be determined. Mr. Parkowski and Secretary Kee replied that all three entities, (Aglands, Open Space, and County), would agree on the locations based on their individual selection criteria. Mr. Parkowski affirmed that the Board would still review right-of-way requests for these properties. Staff will provide a copy of the initiative and MOA to the Board prior to its December meeting. The Board agreed via consent that staff should continue working with New Castle County and the Open Space Council on this project.

2. Discussion of Potential Legislation.

Ed Kee presented the proposed legislation to the Foundation for review. The primary components of the proposed changes are: to facilitate the Cooperative Land Acquisition Initiative previously discussed; eliminate any prioritization of properties for easement acquisition; delete the buyback provision, and allow for annual and semi-annual special events to occur on preserved farms with Board approval; in addition to some minor procedural changes. The Governor's Office has reviewed and approved this proposal. Mr. Parkowski then reviewed each proposed change with the Board. After discussion, Robert Emerson stated that he wanted time to review the proposed legislative changes. **Allen Messick moved to consider the proposed legislative changes at the next Foundation meeting, seconded by Robert Emerson. Motion unanimously approved.**

3. West Dover Connector Impact on Farm Lands L.P. Agricultural District.

Austin Short presented a brief summary of Del DOT's proposed west Dover connector project and its impact on the Farm Lands L.P. Agricultural District, parcel 2-00-08500-01-2200.

XIV. Adjournment

As there was no further business to come before the Foundation the meeting adjourned at 10:10 a.m. The next meeting of the Foundation will be held on December 19, 2013 at the Delaware Department of Agriculture beginning at 8:30 a.m.

Respectfully submitted,

Robert F. Garey
Chairman